

13.24.021 – Exceptions to Applicability

Nothing in this chapter authorizes the collocation of small wireless facilities on:

- A. Property owned by a private party without the written consent of the property owner;
- B. Property owned or controlled by a unit of local government that is not located within rights-of-way (local governments are, however, required to authorize the collocation of small wireless facilities on utility poles owned or controlled by the local government and not located within rights-of-way to the same extent the local government permits access to utility poles for other commercial projects or uses);
- C. A privately-owned utility pole or wireless support structure, without the consent of the property owner;
- D. Property owned, leased or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes, without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code (605 ILCS 5/ 1- 101 et seq.);
- E. Property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code (625 ILCS 5/ 18c-7201), Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16- 102 of the Public Utilities Act (220 ILCS 5/ 16- 102), without the consent of the rail carrier, public commuter rail service, or electric utility;
- F. Facilities of an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16- 108.5 of the Public Utilities Act; or
- G. Small wireless facilities owned by the City.

(2019-M-7 : § 2; 2018-M-28 : § 2)